

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2003-437

August 3, 2004

BAK COMMUNICATIONS, LLC  
Petition for Finding of Public  
Convenience and Necessity to Provide  
Competitive Local Exchange  
Telecommunications Services

ORDER DISMISSING  
APPLICATION

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

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**I. SUMMARY**

In this Order we dismiss without prejudice the Application filed by BAK Communications (BAK) for authority to provide local exchange service in the State of Maine.

**II. DISCUSSION**

On June 12, 2003, BAK filed an application pursuant to 35-A M.R.S.A. § 2102 to provide local exchange service in Maine. The Commission Staff has communicated with BAK on a number of occasions via telephone and e-mail about deficiencies in the petition and schedule of rates and terms and conditions that accompany the application, including the lack of a petition and the billing and disconnections policies contained in the terms and conditions. BAK has not remedied those deficiencies as of this date. We find that this application has been pending for too lengthy a period and we therefore dismiss it without prejudice. We note that since the application was filed we have made a number of important changes to our application package (that is available at our website and from the Administrative Director). Any new application that BAK may file should take these changes into account.

Accordingly, we

**O R D E R**

That the application for authority to provide telephone service in Maine filed by BAK on June 12, 2003 is hereby found to be insufficient and is dismissed without prejudice.

Dated at Augusta, Maine, this 3<sup>rd</sup> day of August, 2004.

BY ORDER OF THE COMMISSION

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Raymond J. Robichaud  
Acting Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Diamond  
   Reishus

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.